

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

JAMES CARSON & ERIC LUCERO,

Plaintiffs,

v.

STEVE SIMON, Secretary of State of
the State of Minnesota, in his official
capacity,

Defendant.

Case No. 0:20-cv-02030-NEB-TNL

DECLARATION OF JAMES CARSON

Pursuant to 28 U.S.C. § 1746, I, James Carson, declare and state as follows:

1. I am a resident of Ramsey County, Minnesota, and am a registered voter in Minnesota.
2. Over recent years, I have exercised my right to vote consistently in elections, including elections for the United States presidency.
3. I intend to continue to exercise my right to vote, and, in particular, I intend to vote in 2020 presidential election, which is set to occur on November 3, 2020.
4. As a registered voter, I understand that I have a duty to understand the date of the election and to comply with basic rules setting the times and manner of elections. I understand that these rules require, among other things, that I cast my ballot in a timely fashion, on Election Day or before Election Day consistent with Minnesota and federal law.
5. In every election I have ever experienced, I was required to vote on or before Election Day. I have never viewed this as a significant burden on my right to vote. Rather, I view this rule as establishing a fair playing field for all voters and parties.

6. As a voter, I expect my vote to be counted, and I expect it to be weighed equally with all lawfully cast ballots.

7. I also expect ballots not lawfully cast, whether because of ineligibility, fraud, or failure to comply with basic rules, not to be counted. The counting of unlawful votes dilutes my vote.

8. In addition, I expect that my vote, and all those lawfully cast, will ultimately determine the winner of the election, or, in the case of presidential elections, the winner of Minnesota's presidential electors. It would severely undermine my faith in the democratic system, in the value of my vote, and in the value of *all* lawfully cast votes, if Congress rejected the popular vote in Minnesota because the State failed to comply with federal election law. In that instance, my vote would count for nothing.

9. In addition to participating in the November 2020 election as a voter, I will participate as a nominee to be a presidential elector and thereby to serve in the Electoral College.

10. Pursuant to Minnesota Statute § 208.03, I was nominated by a convention of the Republican Party of Minnesota to participate as an elector if the Republican candidate for the presidency wins the statewide vote.

11. This means that I am among the candidates Minnesota voters will choose to elect or not elect in the popular vote.

12. I understand myself to be bound, if chosen to serve as an elector, to cast my ballot in the Electoral College for the winner of the Minnesota statewide vote.

13. If Congress were to reject the popular vote in Minnesota because the State failed to comply with federal election law, my participation in the Electoral College would either be precluded or count for nothing.


14. I understand that the Minnesota Secretary of State has chosen to depart from the Election Day deadline under Minnesota law to cast a ballot and to allow ballots that arrive at a polling place after Election Day, and even ballots mailed after Election Day, to be counted. This is to count unlawfully cast ballots, and it dilutes the votes of those persons who complied with the law, as I intend to do.

15. I also understand that the Minnesota Secretary of State has chosen to place the entire statewide vote at risk by departing from federal laws governing the election, including the law setting an Election Day. The failure to comply with federal law, I understand, would allow Congress to reject the statewide vote totals and certification of electors to the Electoral College.

16. These results would be devastating. It would render my vote, and those of millions of Minnesotans, completely worthless. And it would either prevent me from participating in the Electoral College or render my participation worthless.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2020.


James Carson